

1
2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF NEW YORK
-----x

4 CORY EPPS,

5 Plaintiff,

6 -against-

Case No.

1:19-cv-00281-LJV

7 THE CITY OF BUFFALO, DETECTIVE
8 JOHN BOHAN, DETECTIVE REGINALD
9 MINOR, DETECTIVE MARK STAMBACH,
10 DETECTIVE JAMES GIARDINA,
11 DETECTIVE ANTHONY COSTANTINO,
12 DETECTIVE ROBERT CHELLA,
13 RANIERO MASSECHIA, CHARLES
14 ARONICA, and CHIEF JOSEPH RIGA,

15 Defendants.

16 -----x

17 June 18, 2021
18 11:06 a.m.

19 Videoconference deposition of MARK
20 STAMBACH, taken by Defendants, reported
21 remotely by Pamela Grimaldi, a Registered
22 Professional Reporter, Certified LiveNote
23 Reporter, and Notary Public within and for
24 the State of New York.
25

APPEARANCES:

RICKNER PLLC

Attorneys for plaintiff

14 Wall Street, Suite 1603

New York, New York 10005

BY: ROB RICKNER, ESQ.

rob@ricknerpllc.com

CITY OF BUFFALO LAW DEPARTMENT

CORPORATION COUNSEL'S OFFICE

Attorneys for defendants

65 Niagara Street, Room 1112

Buffalo, New York 14202-3313

BY: MAEVE HUGGINS, ESQ.

m.huggins@city-buffalo.com

PRESENT:

MAYA GHOZE

LESLIE UMANZOR

STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED, by
and between counsel for the respective
parties hereto, that all objections, except
as to form, are reserved to the time of
trial.

IT IS FURTHER STIPULATED AND AGREED
that the deposition may be signed and sworn
to before any officer authorized to
administer an oath.

IT IS FURTHER STIPULATED AND AGREED
that the sealing and filing of the
deposition be waived.

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MARK STAMBACH,

called as a witness, having been first
duly sworn/affirmed by Pamela Grimaldi,
Registered Professional Reporter and
Notary Public of the State of New York,
was examined and testified as follows:

EXAMINATION

BY MR. RICKNER:

Q. Good morning, Mr. Stambach. My
name is Rob Rickner. I represent the
plaintiff in this case, Cory Epps, and I'm
going to be asking you a few questions, if
you don't mind.

MS. HUGGINS: Rob, before we get
started, we'll do read and sign. If I
can have -- 45 days will be fine for
him.

MR. RICKNER: I consent.

MS. HUGGINS: Thank you.

BY MR. RICKNER:

Q. Have you ever had your deposition
taken before, Detective Stambach?

A. Yes, I have.

Q. How many times?

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A. Twice.

Q. When was the first?

A. I could not recall the date.

Q. Could you give me a decade?

A. Within the last 10 years.

Q. Okay. And what was the subject
of that lawsuit?

A. An arrest.

Q. An arrest that you made?

A. Yes, sir.

Q. Was this a civil rights lawsuit?

A. No, it was not.

Q. Was somebody making an accusation
against you that the arrest was improper?

A. Yes, they were.

Q. Okay. And you were represented
by counsel?

A. Yes, sir. Corporation counsel.

Q. Okay. The same corporation
counsel that represents you today?

A. Yes, sir.

Q. And in the context of that case,
were you provided with a copy of your
testimony?

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A. Yes, I was.

Q. And were you given the opportunity to review it and make corrections?

A. Yes.

Q. Do you still have a copy of that testimony?

A. Not in that particular case, no.

Q. Did that case go to trial?

A. It did go to trial.

Q. What was the outcome of that trial?

A. There was a guilty verdict.

Q. It was a civil case, so we don't quite do guilty and innocent. But let me rephrase my question.

Was the outcome of that trial that you were found liable for the arrest?

A. No, I was not.

Q. Was somebody else found liable for the arrest?

A. I don't know.

MS. HUGGINS: Rob, and I don't mean to interrupt, but I think that

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there might be some confusion.

MR. RICKNER: I think there is.

MS. HUGGINS: Yeah. When you asked if it involved the same corporation counsel, why don't you identify who represented you in that.

MR. RICKNER: I don't think it was you, Maeve. That wouldn't work.

MS. HUGGINS: I wanted to make sure that was clear.

MR. RICKNER: No, no. You may not have even been a lawyer yet at the time, depending on how the timeline works, so I get it.

MS. HUGGINS: I think your other question might have clarified the other confusion there with regard to the phrase "guilty" that was used.

MR. RICKNER: Right. And I think I might have an idea of what's going on, but I just want to ask a few more questions. We'll get there.

MS. HUGGINS: Okay.

THE WITNESS: Thank you.

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BY MR. RICKNER:

Q. What was the plaintiff's name?

A. Joshue Ortiz. That's O-R-T-I-Z.

Q. Could you give me that first name again, if you don't mind.

A. J-O-S -- it's an unusual spelling. J-O-S-H-U-E, I believe.

Q. And was Ortiz awarded money by the jury?

MS. HUGGINS: I think there is some confusion here. So that civil lawsuit has not gone to trial.

MR. RICKNER: Oh. Okay.

MS. HUGGINS: I think he may be thinking of a criminal trial, but...

MR. RICKNER: Oh, I see.

MS. HUGGINS: I apologize. And I'm not trying to overstep --

MR. RICKNER: No, not at all. I appreciate the clarification.

MS. HUGGINS: When it did go to trial, what were you referring to, a civil or criminal proceeding?

THE WITNESS: The oral testimony

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that you asked me about on those two occasions were after the cases were disposed of that came back several years later where we were represented by the corporation counsel. One is still pending, and the other one was finalized.

Q. Okay. And we'll get to the second one. Mr. Ortiz was the first time you ever testified in a deposition?

A. Second time.

Q. Okay.

A. I gave two depositions.

Q. Right. What was the name of -- let me go back. And I should just do some groundwork first before we jump into this. And you're doing a great job of this already, and I'm sure you were -- had these rules gone over with your counsel, but I just want to put them on the record. One is please make sure that I finish my rambling question before you jump in with a response so we get a nice clear transcript for the court reporter: Question, answer.

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Can you do that for me?

A. Yes, sir.

Q. Now, even though you're
testifying in a conference room over a Zoom
link, it's the same rules as though you
were testifying in court, meaning that you
have to tell the truth, the whole truth,
and nothing but the truth. Can you do that
for me?

A. Yes, sir.

Q. And you're already doing a great
job of giving oral responses, but even
though we can see each other, gestures or
"uh-huh" or nods of the head can't be taken
down by the court reporter. We need nice
clear yeses or nos or other verbal answers.
Can you do that for me?

A. Yes, sir.

Q. Is there any medical reason why
you couldn't give full and accurate
testimony today?

A. No, sir.

Q. So going back. You said you had
your deposition taken twice. What was the

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name of the first case in which you
appeared to testify at a deposition?

A. Lynn Dejac. That's L-Y-N-N
Dejac, D-E-J-A-C.

Q. And did you provide that
testimony within the last 10 years?

A. Yes, I did.

Q. Within the last five years?

A. I would not be able to give you
an accurate date.

Q. Okay. And what did Lynn Dejac
claim happened in the lawsuit?

A. That she was wrongly convicted.

Q. And were you one of the
detectives that investigated the claim?
Withdrawn.

Were you one of the detectives
that investigated the criminal case that
led to the conviction of Lynn Dejac?

A. I was.

Q. And do you know how long
Ms. Dejac was in prison?

A. No, I don't.

Q. Do you know what came to light

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that led to her being released from prison?

A. Yes, I do.

Q. What was that?

A. New DNA that was developed by a medical examiner and a conviction of another person that was involved in another homicide.

Q. So Dejac was a homicide case?

A. It was.

Q. Is that case still pending, the civil case still pending, to your knowledge?

A. No, it is not.

Q. Do you know when it resolved?

A. No, I do not.

Q. Did it go to trial?

A. No --

Q. By which I mean a civil trial.

A. No, sir.

Q. Okay. Do you know if it was dismissed, meaning that a judge ruled that the claims couldn't go forward?

A. It was not dismissed.

Q. Okay. Do you know how much it

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settled for?

A. No, I do not.

MR. RICKNER: Maeve, do you know
how much it settled for?

MS. HUGGINS: It predates my
time.

MR. RICKNER: Okay.

Q. And so you testified in one
deposition in that case?

A. That is correct.

Q. Were there other officers who
also had accusations against them in that
case?

A. Yes.

Q. Who were the other officers?

A. At that particular time?

Q. Uh-huh.

A. It would be Detective Sergeant
James Lonergan, L-O-N-E-R-G-A-N, Lieutenant
Rautenstroud -- that's a difficult one to
spell. It's R-A-U-T-E-N-S-T-R-O-U-D --
myself, and I couldn't begin to tell you
the rest of the detectives that were
involved. Oh, Detective Michael Lyons,

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1 L-Y-O-N-S, who is deceased. Detective
2 Patrick McCarthy, M-C-C-A-R-T-H-Y, who is
3 deceased. I believe detective Daniel
4 Dipirro, D-I-P-I-R-R-O, who is deceased.
5 That's just a few of the officers that were
6 involved in the case.
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8 Q. And the second case was Ortiz.
9 And you testified within the last 10 years
10 in his case?

11 A. Longer. I mean, on the oral --
12 the oral statement after his trial?

13 Q. Well, like this, where you sat
14 down, there was a court reporter, you were
15 represented by counsel, most likely, and an
16 attorney posed questions to you in a civil
17 matter, but not inside the courthouse like
18 a cross-examination. That's what I mean by
19 "deposition."

20 A. Yes. Within the last six years.

21 Q. Okay. And is that case still
22 pending?

23 A. Yes, it is.

24 Q. Okay. And do you have copies of
25 either of the transcripts in those cases?

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A. No, I do not.

Q. Now, have you ever testified in a grand jury?

A. Yes, sir.

Q. About how many times if you had to estimate?

A. Over 100.

Q. Have you ever testified in a criminal trial?

A. Yes, sir.

Q. Could you estimate how many times?

A. Well over a hundred.

Q. In your testimony at a criminal trial, were you ever cross-examined with your prior grand jury testimony?

A. Yes, I was.

Q. So would it be correct to say you understand when you're under oath, like you are here, it is important to give precise answers to questions because they may be used in a proceeding later?

A. Yes, sir.

Q. When did you graduate high

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school?

A. 1969.

Q. And when did you get your first job in law enforcement?

A. 1971.

Q. And was your first job in law enforcement with the Buffalo Police Department?

A. It was.

Q. Did you do anything between 1969 and 1971 that had anything to do with law enforcement?

A. No.

Q. When you first joined the Buffalo Police Department, what was your rank?

A. Patrolman.

Q. And how long were you a patrolman?

A. For a period of six or seven years.

Q. And after you were promoted, I assume, what was your next position?

A. My next position was acting detective.

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Q. What's the difference between a detective and an acting detective?

A. An acting detective serves as a detective, but there's no position for that rank at that particular time for the pay, so I received a detective's pay, acting as a detective, but my civil service rank was patrolman.

Q. How long were you an acting detective?

A. Over a period of three years.

Q. Was there any particular thing that you need to do or training you need to complete in order to move from acting detective to a detective?

A. No, sir.

Q. Why did it take three years?

A. Until a vacancy occurs, a retired detective, and then a position opens up.

Q. Okay. When you were an acting detective, where were you actually doing your work?

A. My first assignment as an acting detective was in the narcotics squad.

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Q. Okay. And were you in the narcotics squad for all three years of your time as an acting detective?

A. Some of it.

Q. Where else did you work as an acting detective?

A. I also worked in the burglary task force.

Q. When you became a full detective, was there a particular position or squad that you were assigned to?

A. When I became a full detective, yes.

Q. Where were you assigned?

A. To the homicide bureau.

Q. So what year did you start in the homicide bureau?

A. 1986.

Q. And how long were you in the homicide bureau?

A. 20 years exactly.

Q. Is there a particular significance to the 20 years, or it just happened to work out that way?

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A. It worked out that way.

Q. Okay. So did you retire from Buffalo Police Department in 2006?

A. Yes, I did.

Q. And since retiring from the Buffalo Police Department, what work have you done?

A. I became a confidential criminal investigator at the district attorney's office, and then left there and went to the inspector general's office, and then I've gone back to the district attorney's office.

Q. The inspector general's office, that would be with the state government?

A. State of New York, yes.

Q. Okay. And now you're back as a criminal investigator for the district attorney's office?

A. Yes, sir.

Q. Were you involved in the reinvestigation of the Tomika Means murder?

A. No, I was not.

Q. Oh. Now, going back to your time

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as an acting detective, did you get any specific classroom training regarding how to be a detective?

A. Yes.

Q. And what classes did you take?

A. I was assigned to take in-service training in regards to detective, and also I received specific training in regards to homicide.

Q. How long were these classes?

A. The homicide, the first one was a one-week course, conducted at the New York State police barracks in Albany. Then you become a Henry Williams Associate. I then received more training at the New York city Police Department for homicide investigations. I had to attend the Reid school of interrogation in interviews. And I also became a police instructor.

Q. When you say you became a police instructor, do you mean that during your work at the Buffalo Police Department you actually taught other police officers?

A. I did teach at the police

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academy, yes.

Q. Okay. What class did you teach?

A. Homicide investigations.

Q. Is that that one-week course that you yourself had taken years earlier?

A. No. What I do is I'm specific in nature. They want me to do just a crime scene, and that's it. It's usually about a two-hour course. So patrolman or police officers to let them know what to do when they arrive at a homicide scene.

Q. So that would involve forensics, or would it also involve interviewing?

A. Almost everything.

Q. Okay. During your training as an active detective, did you get any training with respect to doing lineups?

A. As an acting detective, no, I did not.

Q. Did you get any training with regard to photo arrays?

A. No, I did not.

Q. If I say *Brady* material, do you know what that phrase means?

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A. Yes, I do.

Q. What is *Brady* material?

A. Anything that's gathered during our investigation, whether it be a statement, an interview, handwritten notes, photographs, or evidence be turned over to the defense attorney in regards to a prosecution of a case.

Q. And are you aware of the obligation to record information that could be exculpatory, meaning that it could favor the criminal defendant, even if it doesn't happen to already be written down?

A. Yes, I am.

Q. Okay. And were you aware of that in 1988 when you started at the homicide bureau?

A. Yes, I was.

Q. Did you receive any training with respect to *Brady* material?

A. No, sir.

Excuse me. I'd like to clarify that. When I went through the police academy the very first time in 1971. Also

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in the seminar that I attended for acting detective.

Q. Can you tell me -- withdrawn.

What did you learn in those two trainings regarding *Brady* material?

A. Just that we had to make it available. Again, once again, it would be sworn statements, evidence, photographs, witnesses, handwritten notes, reports, which I didn't mention before, and anything that would be exculpatory in nature also.

Q. Going back to the mid '90s, how many detectives worked in the homicide squad?

A. Well over 24.

Q. And were they organized into groups in any way?

A. Yes, they were.

Q. Okay. Can you tell me about that.

A. Yes. Each group had a detective sergeant and a detective -- detective sergeant would either have three or four men, detectives, usually four, assigned to

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his group.

Q. Were you assigned to a specific group in the mid '90s?

A. Yes, I was.

Q. Okay. And what group was that?

A. My first group was Detective Sergeant Melvin Lobbett, it's L-O-B-B-E-T-T.

Q. And who else were you assigned with?

A. At that particular time?

Q. Yes.

A. It would be detective Daniel R. Dipirro, D-I-P-I-R-R-O, Detective Robert M. Garbowski, G-A-R-B-O-W-S-K-I, Detective Rainerio Masecchia, R-A-I-N-E-R-I-O, Masecchia, M-A-S-C-H-E-C-C-I-A, and Detective Patrick J. McCarthy, M-C-C-A-R-T-H-Y.

Q. Now, going to April of 1998, was that still the group of detectives that you were working with?

A. No, sir.

Q. Who were you working with in

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1998?

A. My sergeant at that time was Anthony Costantino, C-O-S-T-A-N-T-I-N-O. There was a Michael D. Lyons, L-Y-O-N-S, Detective James Giardina, G-I-A-R-D-I-N-A. I believe Patrick McCarthy was still alive at the time.

Q. All right.

A. I'm sorry, I'm drawing a blank on the other two that were in our group at that time.

Q. Well, we're going to go over some documents, and there's a chance that, you know, maybe we'll spark a memory.

Now, do you remember the murder of somebody named Tomika Means in 1997?

A. Yes, sir.

Q. Do you remember -- withdrawn.

Did you work on that homicide investigation?

A. No, sir, I did not.

Q. How did you become aware of the Tomika Means homicide?

A. Just by working at the squad

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itself, by knowing it was a homicide on our board or that we had a file on.

Q. When you say on your board, what do you mean?

A. We had a board with the homicides on it, with a number, the date, the time, a file number.

Q. Okay. And were you aware of the fact that Cory Epps had been arrested for that murder?

A. I was, yes.

Q. And you knew that in April of 1998?

A. Yes.

Q. Now, did you work on a homicide involving a man named Paul Pope?

A. Yes, sir, I did.

Q. Was there a particular role or assignment that you had with respect to that homicide?

A. I believe I took one sworn statement for that homicide.

Q. Is that all that you did for that homicide?

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A. I believe so, yes.

Q. Do you know how it was that you came to take that sworn statement? Was it assigned to you or something else?

A. Just that I did take a statement in regards to that case. I don't know if it was assigned to me or -- I really could not say. Don't remember.

Q. Okay. In April of 1998 -- withdrawn.

Did you have a particular shift that you worked in 1998?

A. I worked a lot of shifts in 1998.

Q. I met the time period, morning shift, night shift, something else?

A. We had two shifts in 1998: We had a day shift -- excuse me. Three shifts: A day shift, a night shift, and then call-in.

Q. So call-in would mean that if something happened at 3:00 in the morning, you got called in and you had to do it?

A. That is correct.

Q. Did you prepare for your

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deposition today?

A. Yes, I did.

Q. Without going into the content of any conversations you may have had, can you tell me how long you met with your lawyer?

A. This morning at 8:30.

Q. So 8:30 to 11:00?

A. Yes, sir.

Q. Was there preparation for your deposition on some other prior day?

A. Yes, sir.

Q. And about how long ago was that?

A. I would not be able to say.

Within the last two or three months.

Q. And how long was that meeting?

A. A meeting of about an hour.

Q. During the course of your preparation, did you review any documents?

A. Yes, sir.

MS. HUGGINS: Rob, just so the record's accurate, we spoke beginning at 8:30 this morning, met in person beginning at 9:00, until the time of this -- just so it's accurate.

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MR. RICKNER: For sure.

Q. Did you review any documents?

A. I lost what time you're talking about, Counselor, please.

Q. Fair enough. That's a confusing question.

During your preparation this morning, did you review any documents?

A. Yes, sir.

Q. Did any of those documents refresh your recollection, meaning that you now remember things that you didn't remember before you read them?

A. I would have to use them again, but it's a very long time ago.

Q. That's not quite an answer to my question.

What I'm wondering is when you reviewed documents this morning, did they help you remember things that you didn't remember before?

A. Yes.

Q. And which documents helped you remember things that you didn't remember

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before?

A. It would be a sworn statement, a P73, interdepartmental correspondence, and some testimony that I gave. And I don't know where the testimony's from, whether it be a motion, grand jury, trial. But I reviewed those three documents.

Q. Okay. So as you sit here today, do you remember somebody named Wymiko Anderson?

A. Yes, I do.

Q. Did she have a street name that she went by?

A. Yes, sir.

Q. What was that?

A. Pumpkin, P-U-M-P-K-I-N.

Q. Did you interview Pumpkin?

A. Yes, I did.

Q. And prior to the interview -- withdrawn.

When did you first meet up with Pumpkin?

A. That I'm not sure about at all.

Q. Would it have been on April 16 or

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17, 1998?

A. It would be the date that's on the statement.

Q. Let's pull up the statement, which was previously marked as -- I know I've got it here. Exhibit 43.

MS. HUGGINS: Exhibit 43's in front of the witness.

MR. RICKNER: Thank you very much.

A. The answer to your question is I met her on April 17, 1998.

Q. Where did you first meet with Wymiko Anderson physically?

A. Physically? I'm not sure on that aspect of the case.

Q. Do you remember meeting with Wymiko Anderson outside of the police station?

A. I'm not sure on that.

Q. There was an interview April 17, 1998. Do you know where that interview took place?

A. Yes.

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Q. Where did the interview take place?

A. The interview and the sworn statement took place in the Buffalo police homicide squad office.

Q. Is there a particular location inside of the office where the interview took place?

A. Yes.

Q. And where was that?

A. On the third floor next to the homicide bureau office.

Q. Is there a room that's used for these interviews?

A. Yes.

Q. And the room has a typewriter, presumably?

A. Typewriter, table, and chairs.

Q. Was there a computer in 1998?

A. I don't know if this was from a computer or actually if it was typewritten by me. I used both. I can't tell.

Q. Okay. Did the Buffalo Police Department have the capacity to record

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interviews on audiocassette in 1998?

A. No, sir.

Q. Did they have the capacity to videotape interviews?

A. Not interviews, no.

Q. Well, when you say "not interviews," that's very specific. Why do you qualify it that way?

A. When we obtain a confession on a homicide, we would try to use a room that had a camera that -- camera and recording device that could record. But during my time that I was there, it was broke.

Q. Okay. So where was the room with the camera?

A. It's in a separate office.

Q. When you say "separate office," do you mean outside the homicide squad?

A. Yes, sir.

Q. But inside the Buffalo Police Department?

A. Correct.

Q. And -- let me rephrase it.

Was the room with the camera in

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the same building as the homicide squad?

A. Yes.

Q. And you said it was broken?

A. Yes, it was.

Q. The camera was broken from 1986
to 2006?

A. I would not be able to say, but
for this particular time, it was broken.

Q. Okay. In April of 1998, you
remember it was broken?

A. I do, yes.

Q. Okay. And that was the only
camera available to record statements in
the Buffalo Police Department in 1998?

A. Yes.

Q. Did you have access to a
tape-recorder in April of 1998 if you
wanted to use one?

A. If I wanted to, yes.

Q. And in April of 1998, where would
you have gotten the tape-recorder if you
wanted to use it?

A. Out of my desk.

Q. Fair enough. Was this a

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microcassette tape-recorder or a regular
full-size cassette?

A. It was a long time ago. I don't
know what was available at that time.

Q. When you say it was in your desk,
was this your personal tape-recorder?

A. Yes, it was.

Q. Did you buy it yourself?

A. Yes, I did.

Q. And did you use it for your
detective work?

A. Sometimes, yes.

Q. Now, it says in the statement, I
believe, This statement is started at 7:30
a.m.

Do you see that?

A. Yes.

Q. Now, prior to 7:30 a.m., did you
have any conversations with Wymiko
Anderson?

A. I did, yes.

Q. About how long did you talk to
Wymiko Anderson before the statement
started?

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A. I would not be able to say.

Q. Do you think it was more than an hour?

A. No.

Q. During the time prior to the statement that you spoke with Wymiko Anderson, did you take notes?

A. Yes.

Q. I'd like to --

MR. RICKNER: Could you grab Exhibit 72, please.

MS. HUGGINS: Exhibit 72 is in front of the witness.

Q. Is this your handwriting, Detective?

A. Yes, it is. Yes.

Q. Okay. And this is dated April 16, 1998?

A. Yes.

Q. Now, based on this being dated April 16, 1998, does that mean that you actually wrote this on that day?

A. I would say yes.

MR. RICKNER: Now, I'd like to

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please mark COB1136 to COB1137 as a new exhibit, and I believe it's going to be Exhibit 97.

(Document Bates stamped COB1136 and 1137 was marked as Exhibit No. 97 for identification, as of this date.)

MS. HUGGINS: The witness has the exhibit.

BY MR. RICKNER:

Q. Now, is Exhibit 97 also in your handwriting?

A. Yes, sir.

Q. Now, if you go to the second paragraph on the first page, it references a statement that was provided by Wymiko Anderson; is that correct?

A. Yes.

Q. Now, the statement was taken on April 17 of 1998; is that right?

A. Correct.

Q. And the date on this document is April 16, 1998; is that right?

A. That is correct.

Q. Would you clarify why the Exhibit

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97 has a date that's one day earlier than the statement that's referenced in Exhibit 97?

A. I don't know, but it's apparent it's probably a mistake.

Q. Now, going back to I believe it's Exhibit 43. It says it started at 7:30 a.m. and it ended at 8:20 a.m.; is that right?

A. Yes, sir.

Q. Is Exhibit 43 a verbatim transcript of the conversation that you had from 7:30 a.m. to 8:20 a.m. with Wymiko Anderson?

A. Yes.

Q. The answer's yes?

A. Yes.

Q. So it would be correct to say that anything that she said in that time period is recorded in Exhibit 43?

A. Yes.

Q. Was Exhibit 43 prepared between 7:30 a.m. and 8:20 a.m.?

A. Yes.

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Q. So these questions and answers were actually typed out by you during that time period?

A. That is correct. Yes.

Q. Now, between 7:30 a.m. and 8:20 a.m., were you also taking notes?

A. No, I do not believe so.

Q. So any notes you took would have been beforehand?

A. Yes, sir.

MR. RICKNER: I'd like to mark as Exhibit 98 COB, and it's all zeros, and then 892. It's a single page.

(Document Bates stamped COB0000892 was marked as Exhibit No. 98 for identification, as of this date.)

MS. HUGGINS: Rob, is it a handwritten or typewritten document?

MR. RICKNER: Oh, it's a handwritten document, single page, and it's kind of hard to read the Bates number because the way the copy, like, you know, bleeds through over the Bates number.

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MS. HUGGINS: Okay.

MR. RICKNER: That may make it --
oddly enough, that may make it easier
to find.

MS. HUGGINS: 98, right?

MR. RICKNER: Uh-huh.

MS. HUGGINS: The witness has the
exhibit.

BY MR. RICKNER:

Q. Is Exhibit 98 your handwriting?

A. Yes, it is.

Q. And can you tell me what Exhibit
98 is?

A. My handwritten notes.

Q. Do you know when those
handwritten notes were generated?

A. It would probably be before the
sworn statement is taken. I don't know.

Q. Okay. Well, did you take notes
regarding your -- withdrawn.

After 8:20 a.m. did you continue
to interview Wymiko Anderson?

A. No, I did not.

Q. And on April 16 and April 17, do

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Stambach

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you believe you had any other contact with Ms. Anderson besides the interview we've been discussing?

A. No, I did not.

Q. Would it be fair to say, then, that you weren't taking notes between 7:30 and 8:20, and you did take notes during your interview beforehand, that these are probably those notes?

MS. HUGGINS: Form.

You can answer.

A. Yes, I believe these are the notes I would take before I took the sworn statement.

Q. Do you know if these notes are complete, meaning that this is all of the notes that you would have taken during your interview with Wymiko Anderson before the sworn statement started?

A. Yes.

Q. Okay. Now, there's a phone number that's circled on the left side. Do you know whose phone number that is?

A. No, I do not.

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Q. And there's a comment underneath that phone number: It says, McCauley nurse aid.

Do you see that?

A. Yes.

Q. Do you know what that means?

A. I have no idea.

Q. Now, during your interview with Wymiko Anderson, did any leads develop regarding the murder of Paul Pope?

A. Leads?

Q. Yeah.

A. I don't know.

Q. Prior to April 16 of 1998, were you aware of somebody named Russell Montgomery?

A. No.

Q. Do you know if Russell Montgomery was investigated for the murder of Paul Pope?

A. Yes.

Q. During the course of that investigation, were the police able to obtain a photograph of Russell Montgomery?

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Stambach

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A. I don't know.

Q. Prior to his arrest in 1997, were you aware of somebody named Cory Epps?

A. Whose arrest? I'm sorry, you weren't clear.

Q. Prior to Cory Epps's arrest in 1997, were you aware of him?

A. Cory Epps?

Q. Yes.

A. No, sir.

Q. Did he have any particular reputation around the police department prior to his arrest?

A. No.

Q. Following April 17 of 1998, did you have any other interactions with Wymiko Anderson?

A. No, sir.

MR. RICKNER: I'd like to mark COB1135 as Exhibit 99.

(Document Bates stamped COB1135 was marked as Exhibit No. 99 for identification, as of this date.)

MS. HUGGINS: The witness has the

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Stambach

44

exhibit.

BY MR. RICKNER:

Q. Is Exhibit 99 your handwriting?

A. It is.

Q. What's the date on Exhibit 99?

A. 4/20/98.

Q. And based on Exhibit 99, would it be correct to say that you did have another interaction with Wymiko Anderson?

A. Yes.

Q. She came with somebody named Melvin Calhoun?

A. Yes.

Q. Did you have a discussion with Wymiko Anderson on this date?

A. Yes.

Q. Did you record that discussion, meaning did you write it down?

A. No, I did not.

Q. Do you remember the sum and substance of that discussion?

A. No, I'm sorry, I do not.

Q. Now, it says at the bottom of Exhibit 99 that a photo of Russell

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Montgomery was shown by Wymiko Anderson to
Mr. Calhoun. Do you see that?

A. Yes, I do.

Q. Were you there when that photo
was shown to Mr. Calhoun?

A. I could not recall.

Q. Is it possible that you were
there, based on this exhibit?

A. I'm not sure on that.

MR. RICKNER: Now I'd like to --
I feel like we've already marked this,
but you know what? I can't find it
right now. So let's mark as Exhibit
100 the statement of Melvin Calhoun,
COB136 to 37.

MS. HUGGINS: I don't think we
have.

MR. RICKNER: Oh, good, then my
records are better than I thought.
It's always a nice surprise.

MS. HUGGINS: So that's Exhibit
100?

MR. RICKNER: Yes.

(Document Bates stamped COB136

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and 137 was marked as Exhibit No. 100
for identification, as of this date.)
MS. HUGGINS: The witness has the
exhibit.

BY MR. RICKNER:

Q. Now, Exhibit 100, there are some
initials at the bottom right-hand corner,
MRS. Do you see that?

A. Yes, I do.

Q. That's you, right?

A. Yes.

Q. And the second page, you actually
notarized this statement for Melvin
Calhoun?

A. Yes, I did.

Q. And much like the interview with
Wymiko Anderson -- withdrawn.

It says here in Exhibit 100 that
the statement was taken in the presence of
Mark R. Stambach in the presence of James
N. Giardina.

Do you see that?

A. Yes, I do.

Q. Now, if you look at Exhibit 83,

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it says that it was being typed by you and the questions were asked by Detective Giardina; is that right?

A. Correct.

Q. Do you know if, during the interview with Mr. Calhoun, that you had the same division of labor, meaning that Giardina asked questions while you typed out the questions and answers?

A. No, I don't believe so.

Q. Okay. So can you explain who would have done the typing on Exhibit 100?

A. I did the typing on it.

Q. Okay. And who asked the questions?

A. I did the questions.

Q. Okay. So this notation on Exhibit 100 indicates that you were actually doing everything and Mr. Giardina was observing?

A. Correct.

Q. And the statement started at 9:10 a.m.?

A. Yes, sir.

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Q. And it stopped at 9:30 p.m.?

A. Yes, sir.

Q. So this statement took 12 hours?

A. There's a mistake in the statement. That should be a.m.

Q. Okay. That does seem likely, doesn't it?

So this statement took about 20 minutes; is that correct?

A. Yes, sir.

Q. Now --

MR. RICKNER: Actually, this might be the -- we've been going about an hour. Can we, like, take 10 minutes?

MS. HUGGINS: That's fine.

MR. RICKNER: All right. I just want to sort of rearrange things and maybe we can go a little faster when I get back.

MS. HUGGINS: Rob, what's your sense of timing?

MR. RICKNER: All day. No, I'm kidding. I'm going home to cook at

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like 1:00. So we should -- don't hold me to that, but I don't think we'll go past 1:00.

MS. HUGGINS: Okay.

(Whereupon, a recess was taken between 11:58 a.m. and 12:11 p.m.)

EXAMINATION CONTINUED

BY MR. RICKNER:

Q. So Detective, going back to Exhibit 100, as with the interview and sworn statement with Wymiko Anderson, is Exhibit 100 a verbatim transcript of the conversation between yourself and Mr. Calhoun?

A. Yes.

Q. So everything that Mr. Calhoun said in response to the questions is contained in Exhibit 100, speaking from 9:10 a.m. to 9:30 a.m.?

A. That's correct.

Q. Now, looking at Exhibit 100 and Exhibit 43, is it fair to say these statements are roughly the same length, with Mr. Calhoun's being a bit longer?

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MS. HUGGINS: Form.

A. Yes.

Q. Okay. They each go on two pages?

A. Yes, they do.

Q. Now, do you know why the
interview of Wymiko Anderson took a half
hour longer than the interview with
Mr. Calhoun?

A. I considered him to be sort of a
fact witness, having some knowledge of who
was driving the deceased's car, which I
thought was a little bit more than what I
had to pull from somebody, and I thought it
would flow a lot easier, which shows that
it did flow very easy. I'm not a great
typist, but this one went pretty good.

Q. Okay. But this is -- in both
instances, 43 and 100, these are verbatim
transcripts of the testimony from the
witnesses from the start time to the end
time, right?

A. I missed the last portion. From
witnesses from where?

Q. Exhibit 43 and Exhibit 100 are

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both verbatim transcripts of the conversations between the start time and the end time with each witness?

A. Yes.

Q. Okay. So what I'm asking is why did Wymiko Anderson's interview take more than twice as long?

A. I was trying to get the motive, trying to discover exactly what was going on. Again, I was trying to get a knowledge about the victim himself, what -- if he was involved in any kind of illegal activity, if someone was mad at him, if someone was angry. Someone had announced that they were going to kill him.

Q. Right. But why did the verbatim questions and answers take half an hour longer to get that information?

MS. HUGGINS: Form.

A. I don't know.

Q. Would it be possible that the reason Wymiko Anderson's interview took more than half an hour longer than Mr. Calhoun's is because Wymiko Anderson, in

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fact, said lots of other things between 7:30 and 8:20 a.m. on April 17, 1998 that weren't included in this statement?

A. No, sir.

Q. That's impossible?

A. I'm saying no, sir.

Q. Okay. You're saying that what I am saying is not correct?

A. Yes.

MR. RICKNER: Now, I'd like to mark as Exhibit 101 the affidavit.

MS. HUGGINS: Just to be clear, EPPS DA 1334 to 1335?

MR. RICKNER: Yes, that is correct. Thank you.

MS. HUGGINS: The witness has the exhibit.

(Document Bates stamped EPPS DA 1334 and 1335 was marked as Exhibit No. 101 for identification, as of this date.)

BY MR. RICKNER:

Q. Go to the second page. Is that your signature?

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A. Yes, it is.

Q. Now, are you aware of the fact that at some point Wymiko Anderson identified Russell Montgomery as the person who killed Tomika Means?

A. Could you repeat that one more time for me, please.

Q. In 1998, is it correct to say that Wymiko Anderson identified Russell Montgomery as the person who killed Tomika Means?

A. I did not know that.

Q. Okay. Meaning this is the first time you're hearing of that fact today?

A. No.

Q. Okay. So did you know that at some time in 1998?

A. No, sir.

Q. Okay. When did you become aware of the fact that Wymiko Anderson identified Russell Montgomery as the person who killed Tomika Means?

A. From his exoneration that was in the paper, from knowing about a pending

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lawsuit and being here today.

Q. So you learned about it in the last couple years?

A. Yes.

Q. Okay. I'd like you to look at Exhibit 101. Did you draft this affidavit?

A. No, sir, I did not.

Q. Do you know who drafted this affidavit?

A. No, I'm sorry, I do not.

Q. Can you tell me how it was that you came to sign this affidavit?

A. No, I'm sorry, I could not.

Q. Do you remember that there was a post-conviction hearing regarding Wymiko Anderson?

A. I don't remember that. I'm sorry.

Q. Okay. Do you remember that following the conviction of Corey Epps there were legal proceedings where Corey Epps made claims regarding Wymiko Anderson's statements to the police?

A. I'm not sure of that, no, I'm

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sorry.

Q. Would it be correct to say that you never testified at the criminal trial that resulted in the conviction of Corey Epps for Tomika Means?

A. I don't believe so. I wasn't at the scene and I don't remember participating in the trial.

Q. You wouldn't have had any relevant information, right?

A. At that time, yes.

Q. Now, you did testify, though, is that fair to say, in some period with respect to Corey Epps and Wymiko Anderson?

A. I believe so. I'm not sure.

MR. RICKNER: All right. Let's mark as Exhibit 102, this is the testimony of Mark Stambach, EPPS DA 1353 to 1367.

MS. HUGGINS: The witness has the exhibit.

(Document Bates stamped EPPS DA 1353 through 1367 was marked as Exhibit No. 102 for identification, as of this

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date.)

BY MR. RICKNER:

Q. You reviewed Exhibit 102 prior to your deposition today, right?

A. Yes, sir.

Q. But going back, besides what's in this transcript, do you remember the circumstances that led up to you providing this testimony?

A. No, sir.

Q. Were you interviewed by the district attorney prior to this testimony?

A. I could not recall.

Q. And to be clear, when I said "the district attorney," I don't mean "the" district attorney. I mean one of the assistant district attorneys.

A. On this statement it has Mr. Schwegler, Lawrence Schwegler. He's retired now.

Q. Okay. So you know Lawrence Schwegler, though?

A. Absolutely, yes.

Q. Do you remember talking with ADA

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Schwegler regarding Corey Epps and Tomika Means?

A. No.

Q. Do you remember anything about the proceeding besides what's recorded in Exhibit 102?

A. No, sir, I'm sorry, I do not.

Q. I'd like to go back to -- let's go back to Exhibit 99.

A. Yes, sir.

Q. Now, Exhibit 99 describes an interaction between Wymiko Anderson and Mr. Calhoun in the bottom paragraph?

A. Yes, sir.

Q. Was Detective Giardina there when Wymiko Anderson showed the photo of Russell Montgomery to Mr. Calhoun?

A. I don't know.

Q. Can you say definitively that he wasn't there?

A. He was there on that particular day, yes.

Q. That's not my -- that's not exactly my question. What I want to know

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is can you tell me definitively that
Giardina was not there when Wymiko Anderson
showed the photograph of Russell Montgomery
to Mr. Calhoun?

A. He would have been there.

MS. HUGGINS: Form as to last
question.

(The court reporter requested
clarification.)

MR. RICKNER: You know, let me
ask that again.

BY MR. RICKNER:

Q. Would it be correct to say that
Detective Giardina was most likely present
when Wymiko Anderson showed the photograph
of Russell Montgomery to Mr. Calhoun?

A. Yes.

Q. That's better, right?

All right. So do you know of a
witness named Jacqueline Bradley?

A. Not at this point, no.

Q. To your knowledge, did you ever
have any interaction with Jacqueline
Bradley?

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A. I don't believe so.

Q. When you were working as a detective in April of 1998, did you have a memo book?

A. No.

Q. Did you have a pad or diary that you used to keep track of your activities for the day?

A. No.

Q. All right. I'd like to pick up the Exhibits 15 through -- I believe it's through 26, as well as Exhibit 62. We're going to start with Exhibits 15 through 26.

MS. HUGGINS: Exhibits 15 through 26 and 62 are in front of the witness.

MR. RICKNER: Thank you very much.

BY MR. RICKNER:

Q. Rather than going through one by one, I'm going to try to speed this along a little bit and I'm going to ask you to look at Exhibit 15 through Exhibit 26. Look at each one and tell me if you can identify the handwriting, i.e., who wrote the

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handwritten notes in any one of those exhibits. Do you understand?

A. Yes, sir.

Q. And, you know, take a minute or two if you need. You know, I want to make sure we get the most accurate testimony we can. Thank you.

A. No, sir, I do not identify anybody's writing.

Q. And can you look at Exhibit 62 for me.

A. Okay.

No, sir, I cannot identify the printing on this.

MR. RICKNER: All right. Can we pull up Exhibit 97 and Exhibit 38, please.

MS. HUGGINS: Exhibits 97 and 38 are in front of the witness.

BY MR. RICKNER:

Q. Now, would it be correct to say that Exhibit 97 is a draft of Exhibit 38?

A. Yes.

Q. In fact, more than a draft, it

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appears to be almost word for word
identical, right?

A. Yes.

Q. Who typed up Exhibit 38?

A. A nymatic (ph) typist.

Q. What does that mean?

A. What that means is that at the
end of my note-taking here, I pick up a
telephone and call a dedicated line. The
line then gives me a beep and I tell it to
produce three copies of a P73
interdepartmental correspondence, to, from,
subject, and the date, and a report
technician or a clerk or a typist, nymatic
typist, then types it up, and then the
document is sent back to me to read and
then sign and place in the file.

Q. You said nymatic?

A. That's what we call it in the
police department, nymatic typing. I
believe it's a system like an answering
system.

Q. Were those typists inside of the
police department?

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A. Yes, they were.

Q. Okay. And do you know what happens to the recordings that were made when you left messages on the answering machine?

A. No, I do not.

Q. Just so I understand the process, would it be correct to say that you called up the Nymatic typist and read out the contents of Exhibit 97 onto the answering service and then they were later typed up and returned to you?

A. That is correct, yes.

Q. Did you ever use these Nymatic typists to take witness statements?

A. No, sir.

Q. Now, what would -- after Exhibit 38 was prepared and signed by you, what would happen to it?

A. It would come back and it would be on my desk for signing.

Q. But after you signed it, what would happen with this document?

A. It would be given to our report

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technician in the office to be broken down
and placed into the file.

Q. What do you mean by "broken
down"?

A. There are three copies. Three
copies are placed into the file.

Q. And you sign each one; it's not
that you sign one and then copies are made?

A. I sign each one of them and then
give them back to the report technician and
she places them in the file.

Q. And what -- do the three copies
go anywhere, in particular?

A. Yes.

Q. Okay. Where do the three copies
go?

A. Into that particular homicide
file.

Q. I mean after -- not to be
facetious, but you don't need three copies
of the document necessarily, right? I'm
just wondering why there are three. Are
they ever broken up, given to different
people, or something else?

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A. No. There are three separate files: We have a work file, which the detectives pull and work from; we have a homicide file, which is the court file that goes to the district attorney; and we have a master file. Three copies. One goes into the work file, one goes into the DA file, and one goes into the master file.

Q. Okay. So let's say you're doing a homicide investigation and you want to pull up some prior statements. You would go to the work file?

A. Yes.

Q. And then that's the one that gets maybe disorganized a bit, it goes to -- it's the day-to-day usage, right? Whereas the master file is like the permanent record?

MS. HUGGINS: Form.

You can answer.

A. Yes.

Q. Okay. What happens to the work file at the end of a homicide?

A. All the files are bundled up and

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placed into an archive.

Q. Would officers sometimes make notes in the work file copies?

A. Sometimes, yes.

Q. But inside of the archives should be two copies of the homicide file, one that was used for the work and one that's the master file?

MS. HUGGINS: Form.

A. Are you talking about at the conclusion of the investigation, like a conviction?

Q. Yes.

A. All three files are put together.

Q. Do you get the district attorney's copy back?

A. I misspoke. The district attorney remains with them. The work file and the master file gets bundled up and placed into the archives.

Q. Now, these files, do you remember what the actual folders look like?

A. Yes, I do.

Q. Could you describe them for me.

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A. It's a manila folder. It's got a rubber band around the outside of it. It expands. It has a unique number on it, being the year and the case number. The location, the victim, who the evidence collection unit was, the police photographer and responding officers, a list of statements.

Q. Okay. And that's all on the file itself, the physical file?

A. Yes, it is.

Q. Okay. Is it manila colored, meaning this sort of, like, yellow, or is it red or something else?

A. No. The three files were manila in color, but the tabs on the top were color-coded.

Q. And which color went with which copy?

A. I believe that the yellow would be the work file, the red would be the district attorney's file, and the blue would be the master file. And I am not 100 percent sure on that.

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Q. But you are 100 percent sure that each file would have its own color to distinguish it from the other two copies?

A. The time that I was there, yes.

Q. Okay. But specifically let's say 1997 and 1998?

A. Yes, that was the system that was being used back then.

MR. RICKNER: I'd like to mark -- are we up to 102?

(A discussion was held off the record.)

MR. RICKNER: We're up to 103, COB1033. It is a very, very faded, bad copy of the document.

(Document Bates stamped COB1033 was marked as Exhibit No. 103 for identification, as of this date.)

MS. HUGGINS: Exhibit 103 is in front of the witness.

BY MR. RICKNER:

Q. You may have to put on your extra strong glasses for this one.

Can you tell me if the

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handwriting in Exhibit 103 is yours?

A. It looks like mine, yes.

Q. Okay. So I'd like to go to the second -- it looks like sort of the second half of the page on the right side.

A. Okay.

Q. Can you read me your handwriting from the top to the bottom, the bottom being whatever those words are that are circled.

A. It looks like it's, Fella, kill, interview, false report, Leroy, in January.

Q. Okay. Keep going below that.

A. It looks like David, Jenkins, and then it says cat man.

Q. Cat man?

A. C-A-T M-A-N.

Q. Does the phrase "cat man" or David Jenkins ring a bell to you?

A. No, sir, it does not.

Q. What about Leroy in January?

A. I don't know what this refers to.

Q. All right. And going to the left side, starting from the top, it cut off.

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It says, maybe, Connie's grandma's house;
is that right?

A. Yes.

Q. And can you keep reading down.

A. It says 55 Durham.

Q. And right below?

A. 21 at time of -- I can't
understand what it is. And then,
Grandmother of Russell.

Q. So is it possible that this word
that you couldn't read is T-O-M-E-K-A?

A. It could be, yes.

Q. 21 at time of Tomeka, might be
what that phrase says?

A. Yes.

Q. Does that ring a bell as to what
you would have been looking into when you
were taking these notes?

A. No, I have no idea where these
notes came from, and I have no recollection
of them at all.

Q. Okay. And just to close out the
loop it says, Grandmother of Russell, and
then below that, Abraham Ferguson.

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A. Yes.

Q. 891-5114, and then circled 1973?

A. Yes.

Q. Now, did you have any involvement with the Paul Pope homicide investigation following April 20 of 1998?

A. I would not be able to recall.

Q. To your knowledge, did you have any involvement with the investigation following that day?

A. I don't recall.

Q. All right. I'd like to mark COB1035.

(Document Bates stamped COB1035 was marked as Exhibit No. 104 for identification, as of this date.)

MS. HUGGINS: Rob, tell me what I'm looking for.

MR. RICKNER: The weird one.

MS. HUGGINS: Rob, was that in yesterday's email?

MR. RICKNER: It should be.

MS. HUGGINS: I'm going to need to run -- either I'm skipping over it,

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2 and it's probably not a good use of our
3 time.
4 MR. RICKNER: Oh, no, fine.
5 Yeah, go for it.
6 MS. HUGGINS: Can we go off the
7 record momentarily?
8 MR. RICKNER: Of course. No
9 problem at all.
10 (Whereupon, a recess was taken
11 between 12:43 and 12:52 p.m.)
12 MS. HUGGINS: It's in front of
13 the witness.
14 EXAMINATION CONTINUED
15 BY MR. RICKNER:
16 Q. Can you tell me what Exhibit 104
17 is?
18 A. Well, it's a blank P70 -- it's an
19 old blank P73, and there's -- my writing is
20 on it. My printing is on it.
21 Q. Okay. So the old P73s, were they
22 just sort of a blank page with this little
23 divider on the top?
24 A. Yes.
25 Q. Okay. And somebody has

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handwritten in the number that corresponds with the Paul Pope homicide?

A. I believe that -- if you're saying that 98-037 is Paul Pope, it pertains to Paul Pope. Oh, excuse me. Down at the bottom it says, Victim: Paul Pope.

Q. If you want to look at the top of any of the other exhibits, it matches.

So would it have generally been the practice to photocopy a sort of enlargement of the victim's license?

A. If we had it, yes.

Q. And then would it be fair to say that people have taken -- made notes around that license on this piece of paper?

A. I did.

Q. This is all your notes?

A. Not all my notes.

Q. Okay.

A. There's writing on this that I don't recognize.

Q. All right. The phone numbers don't look like your handwriting; is that

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correct?

A. Yes.

Q. And the phrase, Victim: Paul Pope, doesn't look like your handwriting?

A. Correct. And, Found in trunk of auto, not mine. And up in the top right-hand corner, 98-073, not mine.

Q. But the rest is yours?

A. Yes.

Q. Is there any indication as to when these notes were taken?

A. No.

MS. HUGGINS: Did you say when?

MR. RICKNER: Yes. When.

A. No, I'm sorry. No.

Q. Now, there's a sort of cluster of things that says, WBAHD, under it, 1318, under it, KBFO, and underneath that, 8466.

Do you see that?

A. Yes, sir.

Q. What does it mean?

A. I have no idea.

Q. Well, that makes two of us.

All right. And moving over to

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the side of that, there's sort of a box
with an X in it, and then it says 26 dash
maybe 9YK?

A. Yes.

Q. Do you know what that means?

A. I do not know, but it looks like
a plate number from a vehicle.

Q. Okay. And on the top left, it
says, 1st Dewey away from Pumpkin?

A. Yes.

Q. Is that right?

A. Yes.

Q. What does that mean?

A. I have no idea.

Q. When did you first learn that the
conviction of Corey Epps was overturned?

A. I have no idea. I couldn't give
you an exact date.

Q. Was it before or after you
received a copy of the complaint in this
action?

A. I could not say.

Q. Do you recognize the name John
Bullin?

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A. John Bullin was a detective assigned to the homicide bureau.

Q. When was the last time you spoke with him?

A. At his retirement dinner.

Q. Could you tell me what decade that was.

A. It was a long time ago.

Q. More than five years?

A. More than 10 years.

Q. What about Reginald Minor?

A. I haven't seen Reginald Minor in the last three or four years.

Q. What about Detective James Giardina?

A. I occasionally see Detective Giardina. The last time I saw him was about two years ago.

Q. Did you discuss this case with him when you saw him?

A. No, sir.

Q. What about Detective Anthony Costantino?

A. Detective Sergeant Anthony -- he

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was one of my command officers. After I left the police department, I worked with him at the DA's office. He's left. I haven't seen him in two and a half years.

Q. Did you discuss Corey Epps with him last time you saw him or at any time prior?

A. No, sir.

Q. What about Detective Robert Cella?

A. Our deputy commissioner? I see him on a monthly basis.

Q. Have you discussed Corey Epps or the claims in this case with him?

A. No, sir.

Q. What about Masecchia?

A. Rainerio Masecchia? I've lost track of him since he's retired.

Q. Do you remember a Detective Charles Aronica?

A. Yes, sir.

Q. When was the last time you spoke with him?

A. About four years ago.

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Q. And how about Former Chief Joseph Riga?

A. I see Joseph Riga quite a bit.

Q. Have you ever discussed Corey Epps or the claims in this case with him?

A. Yes.

Q. Can you tell me the substance of that discussion?

A. That he was going to come here and give a statement or an interview in regards to that -- this particular case.

Q. Anything else besides the fact of that deposition or this deposition, rather?

A. No, sir.

Q. Do you remember somebody named Juan Morales?

A. Yes, sir.

Q. When was the last time you spoke with Mr. Morales or Detective Morales?

A. About four months ago.

Q. Do you have his phone number?

A. I don't have his phone number. I saw him, actually, on the street.

Q. In which town?

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A. In the City of Buffalo.

Q. Do you know where he lives?

A. I believe he lives in the City of Buffalo. I know he's a Puerto Rican -- I believe he was a marine, and I believe he has relatives that are in Puerto Rico.

Q. Well, I'll discuss that with your counsel afterwards.

I'd just like you to go back to Exhibit 102 for me. You said you reviewed this testimony prior to your deposition today?

A. Yes.

Q. When you reviewed your testimony in Exhibit 102, did you find anything that was inaccurate?

A. More confusing. Again, I don't remember a lot about this case. When I look at my words on the paper, it looks a little confusing that I don't remember specific things.

Q. You mean you're surprised that you don't remember more after reading this?

A. Pretty much so, yes.

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Q. Okay. Based on that, would it be correct to say that you did not look at this testimony and say, I remember that what I said here was inaccurate?

A. I would not be able to say. This is my testimony at that particular day.

Q. Okay. I think we've established the facts I need.

MR. RICKNER: Maeve, do you have any questions?

MS. HUGGINS: I do not.

Q. You've been testifying today off and on for about two hours; is that fair to say?

A. Pretty much, yes.

Q. During your testimony today, is there anything that you believe was inaccurate or incomplete?

A. No, sir.

Q. Is there anything that you want to change or elaborate on?

A. No, sir.

MR. RICKNER: Then I'm done.

THE WITNESS: Thank you very

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much.

MS. HUGGINS: Thanks, Rob.

MR. RICKNER: After --

MS. HUGGINS: Let me just get him
on his way and then...

THE COURT REPORTER: Can I just
have you tell me that you're ordering
on the record?

MR. RICKNER: I'm ordering on the
record. Sorry, that was cheap. Yes.

The way we've been doing it is
digital is great. One original and a
set of the exhibits, which I would have
emailed to you. If you're missing one,
tell me and I'll fix it. We've been
making up copies with the exhibit
stickers and just attaching them
afterwards.

MS. HUGGINS: Pamela, I am one
PDF copy via email and stamped copies
of the exhibits via email. We're
paying for our own.

(Time noted: 1:02 p.m.)

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MARK STAMBACH

Subscribed and sworn to
before me this day
of 2021

CERTIFICATE

STATE OF NEW YORK)

) ss.

COUNTY OF NEW YORK)

I, Pamela Grimaldi, Registered Professional Reporter, Certified LiveNote Reporter, and Notary Public within and for the State of New York, do hereby certify:

That MARK STAMBACH, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

PAMELA GRIMALDI, CRR, CLR

June 18, 2021

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